

Unsealed by BE 600

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6273-CR-HUCK/BROWN

MAIL BOX  
FILED

JUN 08 2001

CLARENCE MADDOX  
CLERK, USDC / SDFL / MIA

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**ANTHONY TRENTACOSTA, et al.,**

Defendants.

MOTION TO SEAL GOVERNMENT'S NOTICE OF FILING COPIES OF  
WIRETAP ORDERS AND APPLICATIONS AND ATTACHMENTS

The United States of America, by and through the undersigned Assistant United States Attorney, respectfully requests that this Court enter an order sealing the Government's Notice of Filing Copies of Wiretap Orders and Applications, and the attachments thereto, and in support thereof asserts the following:

1. Simultaneously herewith, the government is filing a Notice of Filing Copies of Wiretap Orders and Applications. Attached thereto are copies of the wiretap orders, and their accompanying applications and affidavits, which resulted in the interception of wire communications which the government will be offering as evidence in the instant case. These documents are being provided for the Court's review and consideration in connection with motions which have been filed by the defendants seeking suppression of wiretap evidence.

2. The aforesaid orders, and their accompanying applications and affidavits, were ordered sealed by The Honorable William P. Dimitrouleas at the time of their issuance in accordance with Title 18, United States Code, Section 2518(8)(b).

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3. In conformity with the terms of the Standing Discovery Order entered in this case, and consistent with the dictates of Title 18, United States Code, Section 2517(2), the government has provided each defendant with copies of the aforesaid documents. These documents have not been publicly divulged to date.

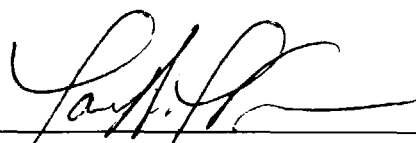
4. Although, to the knowledge of the undersigned, the Eleventh Circuit has not addressed the issue, some courts have held that, prior to the public dissemination of such materials, the government must give notice to the defense and provide an opportunity to object. See, e.g., United States v. Gerena, 869 F.2d 82, 86 (2d Cir. 1989). See also, United States v. Shenberg, 791 F.Supp. 292 (S.D.Fla. 1992).

WHEREFORE, in an abundance of caution, the government hereby moves to seal the aforesaid documents pending further order of the Court.

Respectfully submitted,

THOMAS E. SCOTT  
UNITED STATES ATTORNEY

By:

  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by U.S.

mail to the following on this 8<sup>th</sup> day of June 2001.

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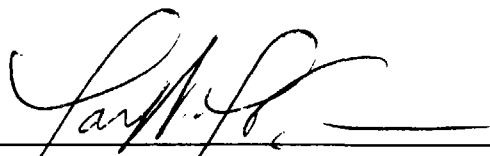
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Attached to D.E. # 270